IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1519 OF 2006

SHARMILA S. CHEMBURKAR & ANR. ... APPLICANTS/ PLAINITIFFS.

VS.

B. GANESH KUMAR & ANR. ... DEFENDANTS.

MRS. NIPA SINGH I/B. MAHESH MENON & CO. FOR THE PLAINTIFFS.

MS. SHRUTI MANIAR I/B. SHAMIM & CO. FOR THE DEFENDANTS.

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CORAM : A.M.KHANWILKAR, J.

DATE : April 5, 2007.

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P.C.

1. After an Order was passed in the morning sessions dismissing the Chamber Summons for default, the Counsel for the Applicants- Plaintiffs mentioned the matter before rising of the Court. Counsel was given liberty to mention the matter at 3'O Clock, after giving notice to the advocate for the other side. According to the learned Counsel for the applicants -

Plaintiffs, at the relevant time he was held up in some other Court. As the reason mentioned being reasonable cause, Order passed in the morning Session dismissing the Chamber Summons for default, is hereby recalled.

The Chamber Summons is restored to file.

2. After hearing the Counsel on both sides and going through the affidavit-in-support of the Chamber Summons, for the reasons mentioned therein, there is sufficient cause for condonation of the delay, in as much as the delay is only of 53 days. In the interest of justice, therefore the Chamber Summons is made absolute in terms of Prayer clause (a) to (c), including the amended prayer clause.

3. Leave to amend is granted asked for after the relief of setting aside the abatement. Amendment to be carried out in the course of the day.

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[A.M.KHANWILKAR, J.]